

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
	§	
v.	§	CRIMINAL NO. Cr-H-09-629
	§	
JOHN JOSEPH O'SHEA,	§	
Defendant.	§	

**DEFENDANT O'SHEA'S PROPOSED VOIR DIRE QUESTIONS**

Mr. John O'Shea, and pursuant to Rule 24(a) of the Criminal Procedure, requests that he be allowed through his attorney, or alternatively, that the Court ask the following questions to the jury panel in this cause:

1. Has any member of the jury panel or any close relative of a member of the jury panel ever been employed by the federal government?
  - a. When were you or your relative employed by the government?
  - b. What governmental agency were you or your family member employed by?
  - c. Why did you or your relative leave employment with the government?
  - d. Would you or your relative's employment affect your ability to deliberate fairly on the question of guilt or innocence?
2. Has any member of the jury panel or close relative of a member of the jury panel ever had a business with a contractual relationship with the federal government or any other government?
  - a. What is the nature of the relationship with the government?
  - b. When was this relationship with the government?
  - c. Who decided to terminate the relationship with the government?
3. How many among you would classify yourselves as being owners of businesses or corporations?
  - a. What is the nature of your business?
  - b. How long have you been in a business on your own?
  - c. How many employees do you have?
4. How many of you work for companies that have offices or factories in more than one country? What is your opinion on whether the company has a responsibility to provide training on laws and regulations that will affect employees' job duties? Other members of the jury panel, what do you think?

5. Do any members of the jury panel work for or own a company that does business with Mexico or Mexican businesses? Or that sources goods or services directly or indirectly from Mexico? Or that sells good or services directly or indirectly to Mexican customers?

6. On a rating scale of 1 to 10, how corrupt or not corrupt do you believe business is in Mexico?

7. Do any members of the jury panel think that Mexico is so corrupt that anyone doing business must be aware of it?

8. Do any members of the jury panel think that Americans should just not conduct business in Mexico because it is too corrupt?

9. Do any members of the jury panel have direct or indirect personal or business dealings with Nigeria, Russia, China, or any developing country? Please describe.

10. Which sentence do you agree with more: the government is always changing the rules on how to make a living, and those rules are confusing, or, there's no excuse for not following the law?

11. Is anyone familiar with the laws that govern payments, including bribes, to foreign officials? If yes:

a. How did you become familiar with those laws?

b. What is your reaction to hearing that a defendant is accused of paying foreign bribes?

12. Mr. O'Shea is accused of violating the Foreign Corrupt Practices Act. The law says that he has violated that law only if he has acted knowingly, willfully, and corruptly. It is not sufficient to convict if you find that Mr. O'Shea *should have known* of illegal payments or bribes. Does any member of the jury panel disagree with that requirement in the law? Would any member of the jury panel favor a guilty verdict on the basis that Mr. O'Shea should have known of such payments?

Respectfully submitted,

/s/ Joel Androphy

Joel Androphy

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**ATTORNEYS FOR DEFENDANT  
JOHN JOSEPH O'SHEA**

**CERTIFICATE OF SERVICE**

On October 28, 2011, a true and correct copy of the foregoing document was served on counsel electronically through the CM/ECF System.

/s/ Sarah M. Frazier